

REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of June 12, 2008 (Office Action). As this response is filed within the three-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any fees to Deposit Account No. 50-0951.

Claims Rejections – 35 USC § 103

Claims 1, 4-12, 14-20, and 23-31 were rejected on the grounds of non-statutory obviousness-type double patenting.

A terminal disclaimer has been submitted herewith to obviate the double patenting rejection.

Claims Rejections – 35 USC § 103

Claims 1, 4-8, 10, 16-20, 23-27, 29, and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,122,664 to Boukobza (hereinafter Boukobza) in view of U.S. Patent 6,681,243 (incorrectly cited in the Office Action as 6,681,423) to Putzolu (hereinafter Putzolu). Claims 12, 14, and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,812,780 to Chen, *et al.* (hereinafter Chen) in view of Putzolu. Claims 9, 11, 18, 28, and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boukobza and Putzolu, in view of Chen.

Applicants respectfully disagree with the rejections and thus have not amended the claims. Applicants have cancelled Claims 12-31. However, Applicants are not conceding that the cancelled claims fail to present patentable subject matter. The cancellations are solely for the purpose of expediting prosecution. Accordingly, the cancellations should not be interpreted as the surrender of any subject matter, and Applicants expressly reserve the right to present the original version of any of the cancelled claims in any future divisional or continuation applications from the present application.

The Claims Define Over The Prior Art

It was asserted in the first paragraph on page 3 of the Office Action that the specific object types an agent is associated with in Boukobza are in turn associated with the node that the autonomous agent is monitoring. That is to say that in Boukobza an autonomous agent is not just specific to object types, but rather is specific to a node and, consequently, specific to object types of that node (col. 4, lines 64-67 and col. 5, lines 13-18). It was also stated that the Examiner further disagrees with the contention that a specific node cannot be a specific host as the nodes comprise software and that is what the autonomous agents monitor (i.e., the hosts are the node itself or the software on the node).

As already discussed in previous responses, Applicants agree that in Boukobza the autonomous agent is associated with a specific node and, consequently, associated with object types of that node. This is exactly the reason that in Boukobza the autonomous agent is not associated with a specific host because a host can move from one node to another node whereas in a communications system, a node is a network junction or connection point (such as computer, hub, and switch) that does not move. In other words, in Boukobza the autonomous agent waits at a specific node for different object types to come to this node, but does not follow any object when the object leaves the node.

In contrast, in the present invention, the passive ghost agent follows the movement of its associated host when the host moves from one node to another node. This is because the ghost agent is not associated with a specific node, but rather a specific host.

Boukobza discloses in col. 5, lines 13-18 that an autonomous agent is related to specific modules, each of which is specific to an object type. This means that an autonomous agent can handle certain object types depending on what modules the autonomous agent is related to. However, this does not indicate that the certain object types are fixed at the node where the autonomous agent is installed. Rather, in Boukobza

when an object comes to the node where the autonomous agent is installed, if the object belongs to one of the certain object types the autonomous agent can handle, the autonomous agent will monitor the object. When the object moves to another node where another autonomous agent is installed, the other autonomous agent will monitor the object if the object belongs to one of the certain object types the other autonomous agent is configured to handle.

Accordingly, the cited references, alone or in combination, fail to disclose or suggest each and every element of Claim 1. Applicants therefore respectfully submit that Claim 1 defines over the prior art. Furthermore, as each of the remaining claims depends from Claim 1 while reciting additional features, Applicants further respectfully submit that the remaining claims likewise define over the prior art.

Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

AKERMAN SENTERFITT

Date: July 24, 2008

/Richard A. Hinson/

Gregory A. Nelson, Registration No. 30,577

Richard A. Hinson, Registration No. 47,652

Yonghong Chen, Registration No. 56,150

Customer No. 40987

Post Office Box 3188

West Palm Beach, FL 33402-3188

Telephone: (561) 653-5000